



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

David S. Wardrop et al.

Application No.

10/017,483

Filed

December 14, 2001

For

FUEL CELL SYSTEM SHUNT REGULATOR METHOD AND

**APPARATUS** 

Examiner

Raymond Alejandro

Art Unit

1745

Docket No.

130109.431

Date

August 2, 2006

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)

### Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the aboveidentified patent application. A check including the amount of \$200 for this application is enclosed.

## Statement of the Facts:

The Determination of Patent Term Adjustment, a copy of which is enclosed, indicates that the Patent Term Adjustment for this application is 667 days. Applicants submit that the correct Patent Term Adjustment for this application should be 710 days.

- 1. This application was filed on December 14, 2001.
- 2. The initial action by the USPTO was a Restriction Requirement mailed June 18, 2003. Pursuant to 37 CFR 1.702(a)(1), this initial action should have been issued by the USPTO within 14 months of the filing date of the application. As the application was filed on December 14, 2001, fourteen months would have been February 14, 2003. Therefore, pursuant to 37 CFR 1.703(a)(1), the initial action was 124 days late.
- 3. Subsequent deadlines were met by both sides until Applicants' Notice of Appeal, which should have been filed on February 24, 2004, was filed 86 days late on May 20, 2004.

- The appeal process took 672 days, ending on March 23, 2006, which is the date of mailing of the Decision on Appeal. Subsequent deadlines have been met.
- Applicants note that the Patent Term Adjustment History, a copy of which is enclosed, shows an Applicant delay of 44 days for the Supplemental Information Disclosure Statement filed on August 27, 2003. Because the Supplemental Information Disclosure Statement was filed with the appropriate statement under 37 CFR 1.704(d), Applicants submit that there was no delay, and respectfully request that the erroneously applied 44 days of Applicant delay be removed from the Patent Term Adjustment History. A copy of the Supplemental Information Disclosure Statement, with certification, is enclosed for your review.

In view of the foregoing, Applicants submit that the above identified patent application is entitled to a Patent Term Adjustment under 37 CFR 1.703(f) of 710 days, calculated as follows:

USPTO delay in mailing first action	124 days
Applicant delay in filing Notice of Appeal	-86 days
USPTO delay in Appeal process	<u>672 days</u>
Total Patent Term Adjustment	710 days

Applicants respectfully request that a Patent Term Adjustment of 710 days be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

Frank Abramonte

Registration No. 38,066

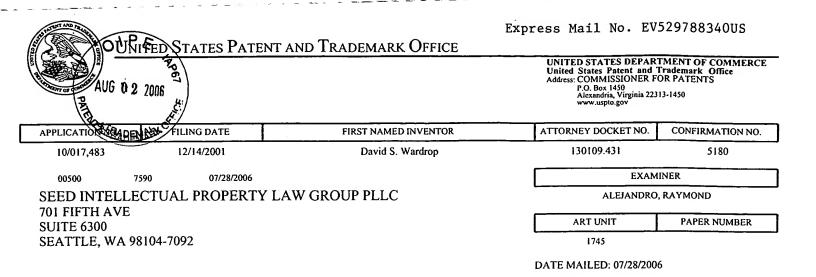
#### **Enclosures:**

Copy of Determination of Patent Term Adjustment Copy of Patent Term Adjustment History printout Copy of Supplemental Information Disclosure Statement

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(FXA:lrw) 815431\_1



# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 667 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 667 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



Ratent Term Adjustments

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Pater Dermandistment (PTA) for A	Application Number: 10	0/017,483	
Filing or 371(c) Date:	12-14-2001	USPTO Delay (PTO) Delay (days):	797
Issue Date of Patent:	null	Three Years:	
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	130
Post-Issue Petitions (days):	+0	Total PTA (days):	667
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Date	Contents Description	PTO(Days)	APPL(Days)
07-28-2006	Mail Corrected Notice of Allowance (Response period NOT restarted)		and the second of
07-28-2006	Mail Examiner's Amendment		
07-25-2006	Corrected Notice of Allowance	·	
07-25-2006	Examiner's Amendment Communication	·	
05-02-2006	Mail Notice of Allowance		
04-17-2006	Notice of Allowance Data Verification Completed		
04-17-2006	Case Docketed to Examiner in GAU		
03-23-2006	Mail BPAI Decision on Appeal - Reversed	673	
03-23-2006	BPAI Decision - Examiner Reversed	<b>1</b>	
12-23-2005	Docketing Notice Mailed to Appellant	<b>①</b>	
12-23-2005	Assignment of Appeal Number	<u></u>	
11-17-2005	Appeal Awaiting BPAI Docketing	<b>ሰ</b>	
10-20-2004	Mail Examiner's Answer	<b>ሰ</b>	
10-18-2004	Examiner's Answer to Appeal Brief	<b>1</b>	
08-31-2004	Date Forwarded to Examiner	4	
08-16-2004	Appeal Brief Filed	<b>1</b>	
08-16-2004	Request for Extension of Time - Granted	仓	
05-20-2004	Notice of Appeal Filed		86
05-20-2004	Request for Extension of Time - Granted		1
02-26-2004	Miscellaneous Incoming Letter	!	1
02-23-2004	Mail Advisory Action (PTOL - 303)		1
02-18-2004	Advisory Action (PTOL-303)		1
02-09-2004	IFW Amended case processing Complete		1
02-09-2004	Date Forwarded to Examiner	i i	<b>1</b>
01-22-2004	Amendment after Final Rejection		1
01-26-2004	Mail Examiner Interview Summary (PTOL - 413)		介
01-20-2004	Examiner Interview Summary Record (PTOL - 413)		介
11-24-2003	Mail Final Rejection (PTOL - 326)		企
11-23-2003	Final Rejection		
11-05-2003	Date Forwarded to Examiner		
10-28-2003	Response after Non-Final Action	and the second s	
08-27-2003	Information Disclosure Statement (IDS) Filed		44

09-10-2003	Mail Non-Final Rejection		企
09-05-2003	Non-Final Rejection		<b>1</b>
07-23-2003	Date Forwarded to Examiner		<b>1</b>
07-14-2003	Response to Election / Restriction Filed	:	介
06-18-2003	Mail Restriction Requirement	124	
06-16-2003	Requirement for Restriction / Election	<b>1</b>	
04-30-2002	Information Disclosure Statement (IDS) Filed	1	20
06-18-2002	Case Docketed to Examiner in GAU	<b>1</b>	
06-06-2002	Application Dispatched from OIPE	介	
06-03-2002	Application Is Now Complete	<b>企</b>	
05-20-2002	Payment of additional filing fee/Preexam	Û	
05-20-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	Φ.	
03-22-2002	Notice MailedApplication IncompleteFiling Date Assigned	<b>1</b>	
03-08-2002	IFW Scan & PACR Auto Security Review	<b>1</b>	
12-21-2001	IFW Scan & PACR Auto Security Review	•	
12-14-2001	Initial Exam Team nn	<b>1</b>	

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